

CITY OF ABERDEEN
PLANNING COMMISSION MEETING
MINUTES

Wednesday, January 11, 2012

A meeting of the Aberdeen Planning Commission was called to order at 7:00 p.m., January 11, 2012 in the Council Chambers by Chairman Swisher.

MEMBERS PRESENT: Chairman Swisher, Commissioners Braerman, Heavey, Hersh, Kosko, Preston, and Schlottman.

OTHERS PRESENT: Councilwoman Sandra Landbeck, City Council liaison
Phyllis Grover, Director of Planning & Community
Development
Matt Lapinsky, Public Works Director
Lt. Kirk Bane, Aberdeen Police Department
Gil Jones, Recording Secretary

The minutes for the December 14, 2011, were approved with one change: The “Department” indicated on page 2 was identified as the Department of Planning & Community Development.

AGENDA ITEMS:

1. Review Comprehensive Rezoning Applications

Locations: Colony at Beards Hill LLC, Parcel 55, P/O Lot 1, located off Beards Hill Road, 17.90 acres; 1104 OPR LLC, Parcels 561, 562, & 130 located off Old Philadelphia Road, 20.46 acres.

Mrs. Grover presented those applications for rezoning received by the deadline of December 16, 2011. There were a total of 4 applications, with 3 of the parcels owned by one entity (1104 OPR LLC). Mrs. Grover said these rezoning requests are not being voted on this evening; there will be a public hearing in February, after which the Planning Commission may send its recommendations to the Mayor and City Council.

Mrs. Grover indicated the owners of 1104 OPR LLC wished to change their zoning from M-1 (Light Industrial District) to B-3 (Highway Commercial District) in order to allow for marketing of the property to a greater variety of potential businesses. Mrs. Heavey asked about properties adjacent to the subject properties. Mrs. Grover said she would provide a larger tax map to show the entire area and the zoning of the adjacent properties. Mrs. Heavey asked if the people across Old Philadelphia Road from the applicant’s property had been notified of the rezoning request. Mrs. Grover said no, only those adjacent to the properties in question had been notified.

Mrs. Grover indicated the Colony at Beards Hill property is currently split zoned R-1 (Low Density Residential) and B-3 (Highway Commercial District). The owners are requesting the zoning on the R-1 portion be changed to R-3 (High Density Residential).

Mrs. Heavey asked what else is planned for that area and if the City is working toward developing a park in that area. Mrs. Grover said that goal is in the City's Comprehensive Plan, but no action has been taken toward this end. Mrs. Heavey also pointed out that while the City is seeking to bring in R-1 land through annexation, we already have such land to be developed in this particular area.

Mrs. Kosko referred to the rezoning application and the applicant's stated wish to retain the current split-zoning. As such, she wondered if the B-3 would be subdivided from the R-3. She pointed out the application speaks to residential development but doesn't say what type, and that a change to R-3 would result in more traffic. In that event, she would expect to see the need for Beards Hill Road to be widened, to include a bike lane. In addition, the request to retain B-3 would appear to create a panhandle lot. Overall, she is not opposed to the request, but feels things need to be clarified.

Councilwoman Landbeck concurred with Mrs. Kosko on the need for clarification. She sees R-1 and assumes the rest would be B-3. Mrs. Grover said the narrative indicates this to be the case. Councilwoman Landbeck felt that due to increased commercial activity in the area, having the R-3 area serve as something of a buffer would be appropriate, and therefore not unreasonable.

Mr. Swisher pointed out the sewer pumping station. He asked if the City owns or leases the land on which it sits. He's looking to see who owns it and whether a request isn't being made to rezone a piece of land the applicant may not own. Mrs. Grover said she would clarify that issue and send the information to the Planning Commission members. Mr. Swisher agreed with Mrs. Kosko that the City doesn't like split-zoning on one property. Mrs. Grover pointed out that Joseph Snee is in the audience and may be able to provide clarification on Mr. Swisher's points.

Joseph Snee, attorney, Gessner, Snee, Mahoney, & Lutche, spoke on behalf of the applicant. It is his understanding that the pumping station and the utilities connected to it are in an easement. Rick Chadsey, who he represents, believes that to be the case as well. The rezoning request is for R-1/B-3 to R-3/B-3, leaving a portion of the B-3 part as support for the R-3 area. He doesn't know how this property is to be developed, but they want to avail themselves of all the R-3 uses in order to meet the BRAC (Base Realignment and Closure) demand. He would like to retain the B-3 as a transitional buffer to the R-3. Mr. Swisher asked why the property wouldn't be subdivided into R-3 and B-3 first, that what's being asked for is a split-zone to a split-zone. He reiterated the City is trying to eliminate split-zoning.

Rick Chadsey, contract purchaser of the property, spoke to some of the issues. Mr. Chadsey said the panhandle is a dedicated easement to allow access to the City's property in the rear of the subject property. He felt it made sense to leave the zoning as B-3 for the area west of the access easement. Mrs. Kosko asked for clarification of the property boundaries. Mr. Snee said the boundary is defined by both the red and blue lines on the submitted map, with blue outlining the B-3 area, and red for the R-3. Mr. Chadsey added that the easement agreement was originally made with the Stancills and was re-aligned when the new owner purchased the property. Mrs. Grover indicated that statement was correct.

Councilwoman Landbeck asked if a subdivision could be done, making one lot B-3 and the other R-3. She feels the zoning itself is not the problem, just the split-zoned nature of the property. Mr. Snee is not sure if Mr. Chadsey wants to do that; Mr. Chadsey said he would if he had to.

Mrs. Kosko pointed out the submitted application shows the station is owned by the City, with access easements. Mr. Snee believes this area to be in an easement, but he'll check. Mrs. Kosko believes that just because it's in an easement it shouldn't create a panhandle lot. Mr. Chadsey said it is his understanding that when this area is developed that piece will become a dedicated public thoroughfare. Mrs. Grover confirmed this to be the case.

Discussion ensued over ingress and egress, utility easements, and roadway to the rear property. Mrs. Kosko felt this area doesn't have to be in an R-3. Mr. Snee said if the easement becomes a dedicated public right-of-way, then a subdivision occurs between the R-3 and B-3 portions as an operation of the law rather than being submitted through the formal platting process.

2. Review proposed changes for the 2011 Comprehensive Plan Transportation Element

Mrs. Grover reviewed the elements of the meeting in October with City staff, Commissioner Kosko, Harford County staff, and members of the engineering community to discuss road types, and the subsequent meeting with Mrs. Kosko to identify inconsistencies between our Transportation Element, the City Code Chapter 470, Streets and Sidewalks, and the Harford County Road Code (HCRC). At this point the question is whether to amend the Transportation Element, add and/or delete information, or do nothing.

Mrs. Heavey referred to the wording of the definition of "residential access streets" that speaks to "eliminating through traffic." She doesn't see how this point is practical and suggested removing this line. She also pointed out that Table 4-8 of the Transportation Element appears to upgrade road classifications to allow more traffic and expressed concern that Aberdeen Thruway (aka Route 22) is referred to as a "parkway" under the proposed definition. She feels "parkway" has a different connotation than what Route 22 presents. Mrs. Grover indicated these definitions have specific criteria per the Maryland State Highway Administration (SHA), thus the existing classification of Route 22 as "freeway/expressway."

Mrs. Kosko reminded everyone how these meetings came about – the desire to amend the City's Chapter 470. From there, the aim was to seek as much consistency as possible between the City's Chapter 470, the HCRC, the County's 2010 Transportation Element, and the City's Transportation Element in terms of definitions and road types. Additional discussion ensued over the City's Comprehensive Plan definitions and those of Harford County.

Mr. Swisher indicates the existing road network is being overlaid with an existing zoning regulation, that it's not perfect, but still a work in progress. He referred to the "parkway" definition, the related language of intention, and the overlaying of the County's road definitions. He feels if you go with the language of intention, it makes a lot more sense. The first few road classification definitions are okay, but are confusing when broken down further. He also feels these categories need to be clarified so roads don't fit into more than one definition. For example, Rowe Drive in his subdivision could fit in more than one classification according to the definitions. Some of the definitions don't seem to fit the related tables in the Transportation Element. He feels that terms should be used per our definitions. Mrs. Grover referred to definitions to be changed per the 2010 Harford County Transportation Element Plan.

Mrs. Kosko asked if a motion would be forthcoming to make these changes, or if there would be further discussion, as the changes require a specific action.

Motion by Mr. Hersh, seconded by Mr. Schlottman, to approve the reviewed proposed changes to the 2011 Aberdeen Comprehensive Plan Transportation Element. Mrs. Heavey would like clarification on the language concerning Long Drive and consider changing Aberdeen Thruway from “parkway” to “principal urban arterial.” Mrs. Kosko feels this plan and these items are what is intended and where the various items best fit, not necessarily what they are now. Mrs. Kosko suggested Mrs. Heavey put her comments in writing and send them to Mrs. Grover to review and address. Mrs. Heavey said if there is a vote tonight, there is no point in sending the comments. Ms. Preston asked for an example of a principal urban arterial. Mrs. Grover indicated South Philadelphia Boulevard fit this definition. Discussion ensued over Route 40, Route 22, and definitions in general. Mr. Braerman felt the Planning Commission was getting hung up on details and if any of the definitions affects the Planning Commission’s decision making, then fix them.

Mr. Swisher asked what the plan of the motion is. Mr. Hersh said the motion is to adopt the changes as presented through the work of Mrs. Grover and Mrs. Kosko; Mr. Schlottman reiterated his second to the motion. **Motion passed, 6-1 (Mrs. Heavey voting no).**

3. Other Business

February Planning Commission meeting: Mrs. Grover informed the Planning Commission she would be away on the date of the regularly scheduled meeting, February 8, and asked if the meeting could be moved to February 15. The Planning Commission was okay with this change.

City Council actions: Councilwoman Landbeck informed the Planning Commission that the Mayor and City Council on Monday approved both the Preliminary Site Plan and Final Plat for The Corner at Beards Hill, as approved by the Planning Commission in December.

Fieldside Village: Mr. Swisher asked about the status of the Fieldside Village project. Mrs. Grover said she had received comments from some of the Planning Commission members and the applicant was reviewing them. Mr. Swisher asked the members to forward any additional comments they may have. Discussion ensued over homeowners and condo associations, duties of the Planning Commission, and various legal ramifications.

There being no further business or public comment, the meeting was adjourned at 8:16 p.m.

Planning Commission Chairman

Recording Secretary

Date of Approval